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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,486	12/07/2001	William Frantz	PD-201169	6438

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EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,486	Applicant(s) FRANTZ, WILLIAM	
	Examiner Shirley Chang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claims 11 and 12 are objected to because of the following informalities: "the method of claim 1" should read "the method of claim 8." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim(s) 1-19 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond (6698020).

As to claim 1, Knudson discloses a method in a system:

a transmitter for transmitting broadcast programming and multimedia messages to the subscribers as separate data streams (fig. 4, elements 62, 66; [8, 1-48]);

at least one communication apparatus having receiver circuitry for receiving said multimedia messages data stream separate from receiving the data stream containing

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said broadcast programming, each subscriber having at least one communication apparatus (fig. 4, element 60; [8, 1-37]),

said at least one communication apparatus further including:

a processor operatively connected to a mass storage device for processing and storing said received multimedia messages (fig. 4, element 62; [8, 1-11]),

wherein said processor accesses said store multimedia messages for display in place of the broadcast programming being currently-viewed by the subscribers [7, 26-36].

As to claim 2,

said processor displays said stored multimedia messages based upon detecting a trigger [8, 29-54].

As to claim 3,

said trigger is selected from the group comprising at least a detection of a subscriber watching broadcast content, a command from a user interface to view broadcast content, and from instructions received together with the multimedia messages and/or from instructions embedded in the broadcast content [8, 29-54].

As to claim 4,

said transmitter further includes: an uplink facility for digitally encoding and multiplexing said multimedia messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and a satellite

for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus (fig. 7; [17, 50] to [18, 37]).

As to claim 5,

said multimedia messages are advertisements or commercials provided by content providers and intended for targeted subscribers ([18, 29-37]; [6, 1-11]).

As to claim 6,

content providers are assured that an advertisement or commercial reaches the desired subscribers as the content provider knows the targeted subscriber, when the advertisement or commercial will be displayed on a display device operatively connected to the subscriber's communication apparatus, and the amount or length of time the advertisement or commercial is to be displayed for the subscriber ([10, 47-64]; [9, 21-38]; [9, 55] to [10, 3]).

As to claim 7,

the communication apparatus is a receiver or a set top box ([10, 3-15]; [7, 37-49]).

As to claim 8,

A method for providing multimedia messages to subscribers in a communication system, comprising: transmitting broadcast programming and multimedia messages to the subscribers as separate data streams from one location; and receiving said

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multimedia messages data stream separate from receiving the data stream containing said broadcast programming at the subscribers location, said received multimedia messages further subject to processing for display in place of the broadcast programming being currently-viewed by the subscribers (see claim 1).

As to claim 9,

said multimedia messages are displayed based upon detecting a trigger (see claim 2).

As to claim 10,

said trigger is selected from the group comprising at least a detection of a subscriber watching broadcast content, a command from a user interface to view broadcast content, and from instructions received together with the multimedia messages and/or from instructions embedded in the broadcast content (see claim 3).

As to claim 11,

said step of transmitting further includes digitally encoding and multiplexing said multimedia messages into a packetized data stream; encoding and modulating said digitally encoded data packet into a suitable frequency band for reception; and transmitting the data packet to said subscribers (see claim 4).

As to claim 12,

said multimedia messages are advertisements or commercials provided by content providers and intended for targeted subscribers (see claim 5).

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As to claim 13,

content providers are assured that an advertisement or commercial reaches the targeted subscribers, as the content provider knows the targeted subscriber, when the advertisement or commercial will be displayed to the targeted subscriber, and the amount or length of time the advertisement or commercial is to be displayed for the targeted subscriber (see claim 6).

As to claim 14,

A communication apparatus for processing multimedia messages received from a communication system for viewing by a subscriber, comprising: receiver circuitry for receiving a multimedia message data stream that is transmitted separately from a data stream containing broadcast programming that is received, a processor operatively connected to said receiver circuitry and a mass storage device for processing and storing said received multimedia messages, wherein said processor accesses said store multimedia messages for display in place of broadcast programming that is being currently-viewed by the subscriber (see claim 1).

As to claim 15,

said processor displays said stored multimedia messages based upon detecting a trigger (see claim 2).

As to claim 16,

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said trigger is selected from the group comprising at least a detection of a subscriber watching broadcast content, a command from a user interface to view broadcast content, and from instructions received together with the multimedia messages and/or from instructions embedded in the broadcast content (see claim 3).

As to claim 17,

said transmitter further includes: an uplink facility for digitally encoding and multiplexing said multimedia messages into a packetized data stream, and for encoding and modulating said data packet into a suitable frequency band for reception; and a satellite for receiving said data packet via an airlink from the uplink facility, and for transmitting the data packet to said at least one communication apparatus (see claim 4).

As to claim 18,

said multimedia messages are advertisements or commercials provided by content providers and intended for targeted subscribers (see claim 5).

As to claim 19,

content providers are assured that an advertisement or commercial reaches the desired subscribers as the content provider knows the targeted subscriber, when the advertisement or commercial will be displayed on a display device operatively connected to the subscriber's communication apparatus, and the amount or length of time the advertisement or commercial is to be displayed for the subscriber (see claim 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



**JOHN MILLER
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